

REMARKS

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-29 are now present in the application. Claims 1, 6, 10, 15 and 18-20 are independent. Claims 6, 10, 18 and 20 have been amended. Reconsideration of this application is respectfully requested.

**Withdrawal of Premature Final Office Action &
Reasons For Entry Of Amendments**

Applicant respectfully submits that the outstanding Office Action was improperly made a final Office Action, because claims 21 and 22 were not treated on the merits in the last, non-final Office Action.

In particular, In particular, claims 21 and 22 were added in the Amendment dated June 7, 2006. The Examiner in the last, non-final Office Action of June 20, 2006 alleged that claims 21 and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Saeki for the same grounds as set forth in the Office Action mailed October 13, 2005. Since the subject matter of claims 21 and 22 was not presented prior to June 7, 2006, it is not possible that claims 21 and 22 were treated on the merits in the Office Action mailed October 13, 2005 as the Examiner alleged. Since the Examiner never treated previously added claims 21 and 22 on the merits until the outstanding Office Action, the outstanding Office Action must be made non-final. Accordingly, the finality of the Final Office Action mailed on March 12, 2007 should be withdrawn.

In addition, the amendments to claims 6, 10, 18 and 20 are simply made to incorporate the previously presented subject matter. Therefore, no new issue is raised. Accordingly, Applicants respectfully request entry and consideration of the foregoing amendments.

Claim Rejections Under 35 U.S.C. §§ 102 & 103

Claims 1-10, 14-17, 19 and 21-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Saeki et al., U.S. Patent No. 6,078,727 (hereinafter “Saeki”). Claims 11-13, 18, 20 and 27-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Saeki in view of Moriyama et al., U.S. Patent No. 6,006,004 (hereinafter “Moriyama”). These rejections are respectfully traversed.

Complete discussions of the Examiner’s rejections are set forth in the Office Action, and are not being repeated here.

Independent claim 1 recites a combination of steps including “recording a received digital data stream by grouping the received digital data stream into stream object units, with each stream object unit having a predetermined length” and “creating and recording an index number of a first stream object unit of each stream object for pointing to the start position of each stream object”.

Independent claim 6 recites a combination of steps including “recording time information on the count value counted at a constant interval for each stream object unit, with each stream object unit consisting of transport streams and having a predetermined length” and “recording an index number of a first stream object unit of each stream object for pointing to the start position of each stream object”.

Independent claim 10 recites a combination of steps including “reading search time information for stream object units, each stream object unit consisting of a plurality of digital transport streams and having a predetermined length, the search time information being the length of each stream object unit, expressed in terms of a count value counted at a constant interval” and “reading an index number of a first stream object unit of each stream object pointing to the start position of each stream object”.

Independent claim 15 recites a combination of elements including “recording means for recording a received digital data stream by grouping the received digital data stream into stream object units and for creating and recording time information for each stream object unit for searching for the recorded stream object units, with each stream object unit having a predetermined length” and “control means for creating an index number of a first stream object unit of each stream object for pointing to the start position of each stream object”.

Independent claim 18 recites a combination of elements including “reading means for reading search time information for stream object units, each stream object unit consisting of a plurality of digital transport streams and having a predetermined length, the search time information being the length of each stream object unit expressed in terms of a count value counted at a constant interval” and “control means... controlling said reading means to read an index number of a first stream object unit of each stream object pointing to the start position of each stream object”.

Independent claim 19 recites a combination of elements including “a data formatter to group a received digital data stream into stream object units and to create time information for each stream object unit for searching for the stream object units individually, wherein each

stream object unit has a predetermined length" and "a controller to create an index number of a first stream object unit of each stream object for pointing to the start position of each stream object".

Independent claim 20 recites a combination of elements including "a pickup to read recorded stream object units and search time information for the stream object units, each stream object unit consisting of a plurality of digital transport streams and having a predetermined length, the search time information being the length of each stream object unit expressed in terms of a count value counted at a constant interval" and "a controller to control said pickup to read an index number of a first stream object unit of each stream object read by said pickup pointing to the start position of each stream object".

Applicants respectfully submit that the combinations of steps set forth in independent claims 1, 6 and 10 and the combinations of elements set forth in independent claims 15 and 18-20 are not disclosed or suggested by the references relied on by the Examiner.

The Examiner in the "Response to Arguments" of the outstanding Office Action alleged that Saeki in claim 14 discloses an index number of a first stream object unit of each stream object for pointing to the start position of each stream object as recited in claims 1, 6, 10, 15 and 18-20. Applicants respectfully disagree. In fact, Saeki in claim 14 discloses

A recording apparatus as claimed in claim 13, wherein said controller is operable to generate a plurality of time offsets, each associated with a corresponding video object and *indicating a difference between a first reproduction point during a reproduction of the corresponding video object and a start time of a first video object unit in the corresponding video object.* (emphasis added).

In other word, Saeki simply discloses time offsets indicating a *difference between a first reproduction point during a reproduction of the corresponding video object and a start time of a first video object unit in the corresponding video object.*

first video object unit in the corresponding video object. The Examiner is particularly drawn his attention to the wording “*difference between a first reproduction point... and a start time of a first video object unit*” as recited in Saeki’s claim 14. Although Saeki’s claim 14 mentions the start time of a first video object unit, Saeki nowhere discloses *any index number* for pointing to the start time of first video object unit. Merely showing that the start time of first video object unit exists does not mean that there is an *index number* for pointing to the start time of first video object unit. In fact, what Saeki’s claim 14 discloses is simply the *time difference* between two points (*i.e.*, the first reproduction point and the start time of a first video object), not the index number for pointing to the start time of first video object unit as recited in claims 1, 6, 10, 15 and 18-20. That is why Saeki needs information using the relationship between the storage positions and the times of the VOBUs in the VOB information (the time map information) to convert the start time and end time of the cells in the PGC information to the start address and the end address (see also Step 284 of FIG. 26; col. 19, lines 30-33). Unlike Saeki’s complicated conversion or mapping from the times to the addresses, the present invention *simply uses an index number* of a first stream object unit of each stream object to obtain the start position of the stream object. This feature is clearly absent from Saeki.

The Examiner in the “Response to Arguments” of the outstanding Office Action also alleged that Saeki’s VOBU reference time 8232b is the index number of the claimed invention. Applicants respectfully disagree. In particular, Saeki in col. 11, lines 21-25 discloses as follows:

The VOBU reference time 8232b is a *period for which a VOBU is reproduced*. The time 8232b is represented with one byte. The time 8232b is used for detecting a target image in the performances of special reproductions and reproductions at specified times. (Emphasis added).

In other words, the VOBU reference time 8232b simply represents *the reproduction length of the corresponding VOBU*, not the index number for pointing to the start time of the corresponding VOB. Therefore, the VOBU reference time 8232b cannot be construed as the index number of the claimed invention.

The Examiner in the “Response to Arguments” of the outstanding Office Action further alleged that Saeki’s VOBU has a predetermined length. Again, Applicants respectfully disagree. In particular, Saeki in col. 11, lines 33-37 discloses as follows:

The VOBU size 8232c is a *data size* of a VOBU. The VOBU size 8232c having *two bytes indicates the VOBU size* by the number of sectors. The size 8232c is used for *detecting the size* of the target image in the performances of special reproductions and reproductions at specified times. (Emphasis added).

In other words, the data size of the VOBU is not predetermined. Otherwise, there is no need to use the VOBU size 8232c to record the size of the corresponding VOBU and to detect the size of the target image. Therefore, Saeki fails to teach “each stream object unit having a predetermined length” as recited in claims 1, 6, 10, 15 and 18-20.

With regard to the Examiner’s reliance on Moriyama, this reference has only been relied on for its teachings related to the time elapse information. This reference also fails to disclose the above combinations of steps and elements as set forth in independent claims 1, 6, 10, 15 and 18-20. Accordingly, this reference fails to cure the deficiencies of Saeki.

Accordingly, neither of these references individually or in combination teaches or suggests at least the above features of independent claims 1, 6, 10, 15 and 18-20. Therefore, Applicants respectfully submit that independent claims 1, 6, 10, 15 and 18-20 and their dependent claims (at least due to their dependency) clearly define over the teachings of the

utilized references. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

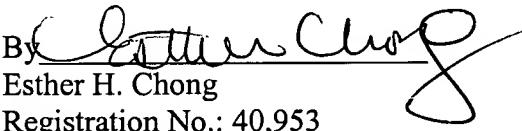
In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a three (3) month extension of time for filing a response in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: September 12, 2007

Respectfully submitted,

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